

nor information known by a skilled worker, provides motivation to modify the methods of the references so as to treat an entirely different class of patients, suffering from PMDD. Absent such motivation, with the requisite reasonable expectation of success, the references do not render obvious the instant invention. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is noted that the Examiner has applied as references two Abstracts that disclose broad categories of estrogens and progestagens. The Neumann Abstract does not disclose any species of estrogen or progestagen; and the Guenther Abstract discloses no species of estrogen, and a single species of progestagen, gestodene. The Abstracts do not disclose the particular species, ethinylestradiol and drospirenone, which applicants elected for search purposes. Clearly, the Examiner did not find a reference that discloses the elected species in her search that was "limited to the combination of the elected species" (Office Action of October 3, 2001, page two, line 19). Rather, it appears as though the Examiner continued the search to encompass the genus of claimed estrogens and gestagens. That is, it appears that the "restriction" drawn to the elected species has been withdrawn.

In view of the preceding arguments, applicants request that the rejections be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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